

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JULI WINTJEN, on behalf of herself and all other similarly situated,)	2:19-CV-00069-CCW
)	
)	
Plaintiff,)	
)	
vs.)	
)	
DENNY'S INC., et al.,)	
)	
Defendants.)	
)	
)	

**DEFENDANT DENNY'S, INC.'S MOTION FOR LEAVE TO FILE RESPONSE TO
PLAINTIFF'S OBJECTION TO LINDER DECLARATION (ECF NO. 265)**

Defendant Denny's, Inc. moves this Court for leave to file the attached Response to Plaintiff Juli Wintjen's ("Plaintiff") objection to the declaration of Kit Linder, which Plaintiff made in her September 6, 2023 Reply Statement of Facts in Further Support of Plaintiff's Statement of Undisputed and Material Facts ("Reply") (ECF No. 265). In the Reply, Plaintiff objects to Defendant's reliance on Kit Linder's declaration because "it was produced after the close of discovery in this matter." Reply, pp. 2-3. Denny's seeks leave to respond to that objection to ensure that the record reflects that Kit Linder was disclosed as a witness on November 16, 2022 in Defendant Denny's, Inc.'s Witness Disclosure; well in advance of the close of discovery. *See* Second Amended Case Management Order (ECF No. 197). Defendant tenders a copy of its Response to Plaintiff's Objection to Linder declaration with this motion, and a proposed order.

Respectfully submitted,

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